

II. Rejection of Claim 26 under 35 U.S.C. §112

The Examiner rejected Claim 26 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as their invention because the language "said balance circuit" lacked a proper antecedent basis. The Applicants have amended Claim 26 to overcome this objection and respectfully request the Examiner to withdraw the rejection. The Applicants thank the Examiner for calling this matter to their attention.

III. Rejection of Claims 1-27 for Double Patenting

The Examiner rejected Claims 1-27 under the judicially created doctrine of double patenting because, if allowed, the claims would improperly extend Applicants "right to exclude" granted in U.S. Patent No. 6,181,294. As noted by the Examiner, a timely filed terminal disclaimer in compliance with 37 C.F.R. § 1.321(b) and (c) may be used to overcome a rejection based on the non-statutory double patenting ground provided the conflicting application or patent is commonly owned. The present Application is commonly owned with U.S. Patent No. 6,181,294, and a Terminal Disclaimer will be filed as soon as possible. Upon filing such Terminal Disclaimer, the Applicants respectfully request the Examiner to withdraw his rejection of Claims 1-27 on the non-judicial ground of double patenting.

IV. Rejection of Claims 1-2, 4-5, 8-9, 11-12, 15-18 and 21-27 under 35 U.S.C. §102

The Examiner has rejected Claims 1-2, 4-5, 8-9, 11-12, 15-18 and 21-27 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,847,683 to Wolfe, *et al.* (Wolfe). As the

Examiner is no doubt aware, anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference; the disclosed elements must either be disclosed expressly or inherently and must be arranged as in the rejected claims.

Wolfe describes a utility meter 50 that includes a glass cover 54, as is common on electric meters. The meter includes a circuit board 30 and a transmission line antenna 10 that resides under the glass cover 54. (Col. 3, lines 10-16; Figure 3). Wolfe does not describe a wireless communication circuit couplable to the electric meter circuitry or an antenna element located within a dielectric housing proximate to a circuit board rack that is coupled to a wireless communication circuit. Therefore, because Wolfe does not disclose each and every element of the invention claimed in independent Claims 1, 8 and 15 it, as such, is not an anticipating reference. Because Claims 2, 4-5, 9, 11-12, 16-18 and 21-27 are each dependent upon one of independent Claims 1, 8 and 15, Wolfe also cannot be an anticipating reference for Claims 2, 4-5, 9, 11-12, 16-18 and 21-27. Accordingly, the Applicants respectfully request the Examiner to withdraw the §102 rejection with respect to these Claims.

V. Rejection of Claims 6-7, 13-14 and 19-20 under 35 U.S.C. §103

The Examiner has rejected Claims 6-7, 13-14 and 19-20 under 35 U.S.C. §103(a) as being unpatentable over Wolfe.

As pointed out above and as noted by the Examiner with respect to Claims 3 and 10, Wolfe does not disclose a chassis with a dielectric housing that has electric meter circuitry located in a circuit board rack. It should also be noted that Wolfe does not disclose an antenna located proximate any such circuit board rack. Furthermore, Wolfe contains no teaching or suggestion to

lead one of ordinary skill in the pertinent art to locate an antenna proximate a circuit board rack in a chassis with a dielectric housing.

Because Wolfe fails to teach or suggest the invention recited in independent Claims 1, 8 and 15 and their dependent claims, when considered as a whole, Claims 6-7, 13-14 and 19-20 are not obvious. In view of the foregoing remarks, the cited reference does not support the Examiner's rejection of Claims 6-7, 13-14 and 19-20 under 35 U.S.C. §103(a) and the Applicants respectfully request the Examiner to withdraw his rejection of such claims.

VI. Allowable Claims

The Examiner indicated Claims 3 and 10 constituted allowable subject matter if rewritten in independent form to include all the limitations of the base claim and any intervening claims. As discussed above, the Applicants have amended the base claims in a manner such that Claims 3 and 10 should be allowable as written.

VII. Conclusion

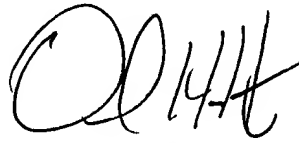
In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-27.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

HITT GAINES & BOISBRUN, P.C.

A handwritten signature in black ink, appearing to read 'DHitt', with a large circular flourish on the left side.

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